



# YOU NEED.... PRICKLY ASH BITTERS

THE SYSTEM REGULATOR.

TO KEEP WELL IN THE CHILL SEASON.

In many sections of the country the inhabitants are so accustomed to malarial trouble that they expect a spell of "chills" every year, hence they take no steps to prevent it. This is a wrong idea. With a little care to keep the vital organs in good condition, you may escape this misery entirely. The proper course to follow is to take frequent doses of Prickly Ash Bitters, and to continue its use occasionally through the sickly season. This remedy is a thorough system cleanser and regulator. It conveys a reviving influence to the liver and kidneys, purifies the blood, strengthens the digestion, and by its agreeable cathartic effect, keeps the stomach free and the bowels open for the excretion of impurities. When the system is working smoothly and the vital organs are strong the malarial germ which passes in with the air we breathe finds nothing favorable to its development, therefore it is harmless, and although there may be much exposure to the influence of this poison, the happy possessor of good digestion and regularity in the system will pass through the season in robust health.

TRY IT THIS YEAR.

It cures that "tired feeling." Removes constipation. Helps digestion. Sweetens the breath. Clears the complexion of sallowness and keeps the body in such fine condition that "CHILLS" or other malarial diseases cannot affect it.

IT IS THE WORKER'S REMEDY.

SOLD EVERYWHERE AT \$1.00 PER BOTTLE.

## THE L. AND N. WINS

### OPINION OF U. S. CIRCUIT COURT ON STOCK YARDS CASE.

Duty as Common Carrier—The State Constitution Cannot Assume to Regulate the Interstate Commerce.

Louisville Courier-Journal.

The opinion of the United States Circuit Court of Appeals in the case of the Central Stockyards Company vs. the Louisville and Nashville Railroad Company, which was delivered by Judge Day some days ago, has just been received here. The attorneys who represented the railroad company in the case claim that it is a complete victory on every point for the railroad company, and that every contention made by the railroad company was fully sustained. As will be remembered, the litigation grew out of the refusal of the railroad company to accept business originating at points on its line outside of the State consigned to the Central Stockyards, or to any one in its care, the railroad company claiming that the Bourbon stockyards was its live stock depot in Louisville, and refusing to accept for transportation live stock to be delivered at any other place in Louisville than the Bourbon stockyards.

The stockyards company claimed that it had a right to compel the shipment of live stock and transfer of cars consigned to it, or to any person in its care, at one of the points of physical connection with the Southern Railway in Louisville, upon three grounds, viz.: That such is the local duty of the defendant company as a common carrier. Because of the requirements of the act to regulate commerce, passed by the Congress of the United States on February 4, 1887, known as the Interstate Commerce Act.

By amended bill that such is the duty of the corporation under the Constitution and laws of the State of Kentucky. The Circuit Court dismissed the application for a temporary injunction, and after a demurrer to the bill for want of jurisdiction in equity. Complainants appeal.

In answer to the first contention of the stockyards company, the railroad company claimed that it had established contracts with the Bourbon Stockyards Company, the Bourbon Stockyards in Louisville, as its live stock depot, and that it had the legal right to do this, and to refuse to accept or deliver live stock destined for Louisville at any other point in the city of Louisville than the Bourbon stockyards. In the discussion of this proposition the court said:

Yards Not Inadequate.

There is no showing of the inadequacy of the Bourbon Stockyards Company in the matter of accommodations for receiving and caring for cattle. The defendant has there made provisions ample for the care of such stock with a company obligated to discharge the duties in this behalf required by the law of common carriers. Is the defendant obliged by law to make Louisville delivery at other points by making connections for other Louisville stockyards? We think

this question must be answered in the negative.

The court, after considering other cases, continues as follows: From the opinion of Judge Harlan in Stockyards Company vs. Keith, 153 U. S. 128, as follows:

"We must not be understood as holding that the railroad company in this case was under any legal obligation to furnish, or cause to be furnished, suitable and convenient appliances for receiving and delivering live stock at every point on its line in the city of Covington where persons engaged in buying, selling or shipping live stock choose to establish yards. In respect to the mere loading and unloading of live stock, it is only required by the nature of its employment to furnish such facilities as are reasonably sufficient for the business at that point. It is not required to furnish the yards maintained by the appellant are for the purposes just stated, equal to all the needs at that city, of shippers and consignors of live stock, and if the appellant had been permitted to use them without extra charge for mere yardage they would have been without just grounds of complaint in that regard. For it did not concern them whether the railroad company itself maintained stockyards, or employed another company or corporation to supply the facilities for receiving and delivering live stock it was under obligation to the appellant to furnish. But as the appellant did not accord to appellants the privileges they were entitled to from its principal, the carrier, and as the carrier did not offer to establish a stockyard of its own for shippers and consignees, the court below did deliver live stock from and to the appellant at their stockyards in the immediate vicinity of the appellant's yards, when the former were put in proper condition to be used for that purpose, under such reasonable regulations as the railroad company might establish. It was not within the power of the railroad company, by such agreement as that of November 19, 1881, or by agreement in any form, to burden the appellants with charges for services it was bound to render without any other compensation than the customary charges for transportation."

"We think this language is no less applicable to the case under consideration. The Louisville and Nashville Railway Company has by contract arranged for the discharge of its duties to shippers of live stock at the Bourbon Stockyards. The proof does not show that these accommodations are inadequate or the charges illegal. It would doubtless be convenient and promote the business of shippers and shippers if other facilities were afforded, but we find in the law nothing aside from a positive statute, that requires more ample provision at the hands of the respondent."

Suitable Provisions are Enough.

On the second point urged by the Central Stockyards Company, the Court says:

"It is further alleged in the bill that the refusal to receive the desired shipping and transfer of stock to the yards of the complainant is a violation of Section 3 of the Interstate Commerce act, which provides: 'That it shall be unlawful for any common carrier subject to the provisions of this act to refuse to receive or give undue or unreasonable preference or advantage to any particular person, firm, corporation

or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.' Every common carrier subject to the provisions of this act shall, according to the respective powers, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property to and from their respective lines, and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines, but this shall not be construed as requiring any such common carrier to give its service of its tracks or terminal facilities to another carrier engaged in like business."

"That claim is that, having granted certain rights and privileges to the Bourbon Stockyards Company, this section guarantees equal privileges to the Central Stockyards Company. This construction of the act is not sustainable. It is the duty of the railroad company to provide reasonable facilities for the unloading and care of live stock, and it is not its duty to furnish facilities to another carrier engaged in like business."

"The claim is that, having granted certain rights and privileges to the Bourbon Stockyards Company, this section guarantees equal privileges to the Central Stockyards Company. This construction of the act is not sustainable. It is the duty of the railroad company to provide reasonable facilities for the unloading and care of live stock, and it is not its duty to furnish facilities to another carrier engaged in like business."

Disposing of Second Clause.

These considerations dispose of this branch of the case. If it could be regarded as one involving the right to regulate one railroad to interchange traffic with another, the position of the complainant would be equally untenable. At common law a railroad company is only bound to transport freight to its own terminus. The rule is thus stated in A. T. and N. R. Co. vs. Denver N. O. R. Co., 110 U. S. 41:

"A common law carrier is not bound to carry except on his own line, and we think it quite clear that if he contracts to go beyond he may, in the absence of statutory regulations to the contrary, determine for himself what agencies he will employ. His contract is equivalent to an extension of his line for the purposes of his contract, and if he holds himself out as a carrier beyond his line, so that he may be required to carry for all alike, he may nevertheless limit himself in carrying to the particular route he chooses to use. He puts himself in no worse position by extending his route with the help of others, than he would occupy if the means of transportation employed were all his own. He certainly may select his own agencies and his own mode of doing his own work."

by the contract between the parties. Each controls its own railroad, and may determine for itself upon what terms it will unite for a joint tariff. No arrangement exists with the Southern Railroad for the transportation and delivery of cars of live stock to the Central Stockyards. If the latter can be assumed to be a station on the line of the Southern Railroad, nor do we think a court of equity has the power to make one, and supervise its execution, nor has this right been conferred upon the courts by the interstate commerce act. This doctrine is so thoroughly established as to require no more than the citation of the authorities in support of it: A. T. and N. Railroad vs. D. N. O. Railroad, 110 U. S. 407; Express Cases, 117 U. S. 1; Pullman Palace Car Co. vs. Missouri Pacific Railroad Co., 115 U. S. 387; N. Pac. Railroad vs. Duran, 152 U. S. 42; Kentucky and Indiana Bridge Company vs. Louisville and Nashville Railroad, 37 Fed. 567; L. and N. R. Co. vs. L. M. R. R., 41 Fed. 389; Oregon Short Line Co. vs. N. P. R. R., 51 Fed. 425; St. L. Drayage Co. vs. L. and N. R. R., 63 Fed. 48; Allen vs. Oregon R. and Nav. Co., 38 Fed. 16."

Cannot Regulate Interstate Commerce.

On the third point made by the stockyards company that it is the duty of the railroad company to accept and deliver livestock consigned to the Central Stockyards under the Constitution and laws of the State of Kentucky, the Court says: "It is further alleged that the duty of complying with the complainant's demand rests upon the defendant company, because of the requirements of the Constitution of the State of Kentucky, and the laws passed in pursuance thereof. Assuming, without deciding, that the Kentucky Constitution and legislation require the defendant company to receive, deliver, transport and transfer freight to any point that is in physical connection with the tracks of another company, so that the complainant has, as to traffic originating in Kentucky, the right to require that the shipment be received and transported in accordance with the provisions of the bill, the questions remains, have the Kentucky Constitution and statutes any operation beyond the limits of that State? The interstate commerce clause of the Federal Constitution has given rise to much litigation and frequent construction by the Supreme Court. It is thoroughly settled that the powers of Congress to regulate commerce is plenary, and that the State has the right to make provisions as to matters within its own boundaries intended as aids to commerce, not thereby regulating interstate traffic."

"In the case at bar we think the relief sought pertains to the transportation and delivery of interstate freight. It is not the means of making a physical connection with other railroads that is aimed at, but it is sought to compel the cars and freight received from one State to be delivered to another at a particular place in a particular way. If the Kentucky Constitution could be given any such construction it would follow it could regulate interstate commerce. This it cannot do."

IN OUR WINDOW TODAY

Is a barrel of standard Grape Juice, which we will sell Friday and Saturday at 25 cents a quart, purchasers to furnish bottles. This grape juice retails the world over for 50 cents a quart; five guesses at the weight of the cake with each quart sold. Dowe's Kandy Kitchen.

Chamberlain Not Aware of It.

London, Aug. 7.—The Home Secretary, C. T. Ritchie, in behalf of Colonial Secretary Chamberlain, in the House of Commons today, said that Mr. Chamberlain was not aware of any arrangements toward inviting tenders for a fast mail service between Great Britain and Canada.

## STATE TROOPS TO SHOOT

### ADJUTANT GENERAL URGES INTEREST IN CONTEST.

Montgomery Will Probably be Represented by a Team at Rifle Range Shooting on August 25.

Adjutant General W. W. Brandon has sent to every military organization in Alabama a circular letter calling attention to the fifth annual meeting of the Savannah Military Rifle Range Association to which the Alabama troops have been invited.

With each circular letter he has sent a copy of the advance circular of the association and a copy of addenda to the advance circular.

The addenda calls attention to the visitors' match which has lately been put on the list of competitions. This is to be a match for ten men with a first prize of \$75, a second prize of \$50 and a third prize of \$25. This match has been specially arranged for visitors and all teams from Georgia are barred.

Colonel Brandon's letter to the various organizations of the State is as follows:

"Montgomery, August 6, 1902. 'Sir—Your attention is invited to the circulars (2) herein enclosed. 'Savannah Military Rifle Range Association.'"

"Advance circular of fifth annual meeting at Savannah, Ga. '2. Addenda to advance circular.'"

"These circulars fully explain the object and purpose of the proposed meeting, and the details are specifically stated therein. The purpose is an excellent one, and has the hearty commendation of the Commander-in-Chief. The Adjutant General recommends heartily the movement and urges company commanders to organize teams from the respective companies to attend and participate in this target practice. Yours truly, 'W. W. Brandon, 'Adjutant General.'"

At the Savannah shoot, which will be held August 25-30 inclusive, visitors will participate in the eleven matches which have been arranged. Invitations have been extended direct from the association to all organizations in Alabama and all throughout the Confederacy with every prospect of success.

Dysentery Cured Without the Aid of a Doctor.

"I am just up from a hard spell of the flux" (dysentery), says Mr. T. A. Finer, a well known merchant of Drummond, Tenn. "I used one small bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy and was cured without having a doctor. I consider it the best cholera medicine in the world." There is no need of employing a doctor when this remedy is used, for no doctor can prescribe a better medicine for bowel complaint in any form either for children or adults. It never fails and is pleasant to take. For sale by E. G. Fowler, Drugist. —adv.

O'Brien's Hearing Today.

Pittsfield, Mass., Aug. 7.—A brief hearing was given Corporal O'Brien before United States Commissioner Wood here this afternoon, the charge being perjury. After consultation of counsel, the case

was postponed until tomorrow, to await some definite settlement as to bail. O'Brien's father was the only one present at the hearing besides the officials and counsel. After the postponement, the defendant was taken to the house of correction here, where he will remain until tomorrow's hearing.

DR. JOHN MASSEY

Gives Thirty Free Scholarships in the Alabama Conference Female College.

Read the following letter: While we recognize that the prime object of a church school is to give a full-orbed culture on the Christian ideal, we also recognize that an important part of its work is to aid worthy young people who are striving, under adverse conditions, to raise themselves into a higher plane of culture and usefulness.

We will, therefore, give thirty scholarships of free tuition to worthy girls who are able to pay board, but who could not attend college without some help, making the entire expenses in the boarding and literary departments only \$100; and to those young ladies who are entirely dependent on their own efforts, we will make the expenses \$150, for the scholars of the year of nine months. As our number of such scholarships is necessarily limited, it will be well for those desiring to make application, to do so as soon as possible.

If you know of any who are worthy of these scholarships, and who are prepared to avail themselves of them, please have the enclosed application filled out and returned to me for approval. In giving these scholarships, we shall use our portion of the educational collections coming from the Conference and the interest on our endowment; so that this burden shall, in no wise, be put upon our other patrons, nor shall the quality of our services be lowered. Every one shall have full value for all that he pays for.

The prospects for the usefulness of the college were never better. We have had more applications than usual during the months of June and July; and we have had many complimentary expressions in regard to the work done here in past years. But no institution, whose object is to raise humanity to a higher plane, can succeed without labor that sacrifice. Will you contribute a small portion of your time and thought, to help worthy young women to better education, to advance the cause of learning and to promote the formation of character on the Christian ideal? Yours sincerely,

John Massey, President, Tuskegee, Ala.

WHAT GOLDBERGER LEARNED.

German Writes of His Observations in the United States. Berlin, Aug. 7.—M. Goldberger, a royal privy councillor of commerce, who recently visited the United States, will end a series of articles on that country in Die Woche Sunday. This article in Die Woche Sunday, which will be an interview with Herr Goldberger, at the White House, as saying: "The economic future belongs to the United States and Germany and the welfare of both countries lies in intelligent mutual esteem."

Herr Goldberger makes comparisons between Germany and the United States and says that one thing certain is that the sharpest competition will be made by the United States for the world's markets.

"We must unconditionally admit," says the writer, "that in the art of industrial organization, in disciplined co-operation, in the reduction of costs of production, in the utilization of every advantage attainable by mechanical development, without regard to cost, we find beyond the Atlantic abundant models."

This writer declares that he found the Americans marvelously, almost uncannily, informed about events and facts

concerning international trade production. A practical lesson for Germany, he continues, is to give free play to economic forces to reduce government meddling, to remove prejudices against innovations, and to introduce the best features of the American trusts eschewing capitalization promises.

LOW TALKS TO PUBLIC.

Discusses Police Matters in His Weekly Statement.

New York, Aug. 7.—Mayor Low today, in his weekly statement to the public, discussed police matters. He announced that he was going to appoint a commission, consisting of Police Commissioner Patridge, Eugene A. Philbin, formerly District Attorney, and Gen. Avery D. Andrews, formerly a police commissioner, to draw up and submit to him suggestions tending to the better administration of the police force. These suggestions will, if possible, be made laws governing the force.

On the subject of the police and the excise law, the Mayor specified the requirements of the Raines law, and said that the police will be expected to enforce them, adding:

"But they are not bound and neither will they be expected, ordinarily, in the enforcement to go beyond what they can accomplish in full uniform."

The Mayor drew attention to the fact that a large number of places which, to the ordinary sight, appear to be saloons, have a legal right to sell liquor on Sunday, about one saloon in five being a "hotel" under the provisions of the Raines law.

Meeting of Osteopaths.

Milwaukee, Aug. 7.—The educational committee of the American Osteopathic Association presented its report at today's session. The report, which was accepted, advocated extending the course of study, and raising the standard of schools of osteopathy. The committee on legislation told what had been done in a legislative way in Ohio, New York and other States, and favored continuation of the work along the lines pursued. A portion of the sessions was devoted to clinics.

Fruits and Flowers.

Not until Henry VIII's time were raspberries or strawberries or cherries grown in England, and we do not read of tulip, cauliflower and quince being cultivated before the sixteenth century or the carrot before the seventeenth century.

A FACT

ABOUT THE "BLUES"

What is known as the "Blues" is seldom occasioned by actual existing external conditions, but in the great majority of cases by a disordered liver.

THIS IS A FACT which may be demonstrated by trying a course of

Tutt's Pills

They control and regulate the LIVER. They bring hope and buoyancy to the mind. They bring health and elasticity to the body.

TAKE NO SUBSTITUTE.

**Pabst Beer**  
is always pure

Brewed in a plant as clean as the cleanest home kitchen—always open to your inspection—58,971 visitors last year.